

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 3, 5-7, 9, 10, 14, 16, 18-20, 22, 23 and 27-29 remain pending, claims 1, 5 and 14 having been amended, claim 29 having been newly added, and claims 25 and 26 having been newly canceled without prejudice or disclaimer.

Rejection of Claims 1, 3, 5-7, 9, 10, 14, 16, 18-20, 22, 23, 27 and 28

On page 3 of the Office Action, the Examiner rejected claims 1, 3, 5-7, 9, 10, 14, 16, 18-20, 22, 23, 27 and 28 under Section 103(a) as allegedly being unpatentable over U.S. Patent No. 6,684,249 to Frerichs et al. ("Frerichs") in view of U.S. Patent No. 6,249,810 to Kiraly ("Kiraly"). Applicants respectfully traverse the rejection. Claims 1 and 14 were amended to more clearly recite the claimed invention. Claim 5 was amended to conform with amended claim 1, from which it depends.

Amended claims 1 and 14 include the features of claims 25 and 26, respectively. Amended claim 1 is directed to a method for receiving performance information over a network for generating a pseudo-live performance. The method includes, among other things, detecting a need for the performance information by determining that stored performance information is out-of-date, wherein determining that stored performance information is out-of-date further includes: transmitting a query to determine a time of a latest update of the stored performance information, receiving the time of latest update of the stored performance information in response to the transmitting of the query, accessing a time-stamp of the stored performance information, and determining whether the time-stamp of the stored performance information matches the time of the latest update of the stored performance information.

On page 7 of the Office Action, the Examiner admitted that Frerichs and Kiraly fail to disclose or suggest the above-mentioned features of claim 1. The Examiner relied on Kenner, col. 12, lines 35-38, and col. 23, lines 5-10, to disclose or suggest transmitting a query to determine a time of a latest update of the stored performance information, and Kenner, col. 14, lines 54-67, and col. 19, lines 5-14 and col. 30, lines 31-39, to disclose or suggest receiving the time of the latest update of the stored performance information in response to transmitting of the query. Applicants respectfully disagree with the Examiner.

Kenner, at col. 12, lines 35-38, discloses:

The SRU supervisory process allows the SRU 26 to store data transferred to it. Similarly, the SRU supervisory process can delete all out of date or unnecessarily duplicated data.

Thus, Kenner discloses that a local search and retrieval unit (SRU) stores data transferred to it and deletes all duplicated or out of date data. Applicants submit that this portion of Kenner is silent with respect to transmitting a query to determine a time of a latest update of the stored performance data, as alleged by the Examiner.

Kenner, at col. 23, lines 5-10, discloses:

Item Name	Format	Description
Expiration Date	date	Date after which the file is to be removed from the system.
Size of File	numeric	Size of the file, in bytes.
Date	date	Date the file was made by the content provider.
Time	time	Time the file was made by the content provider.

According to Kenner, col. 22, lines 45-50, the above table is a portion of a clip database that contains information for each clip. Thus, the information contained may include an expiration date for the clip, a file size, a date that the clip was made, and a time that the clip was made. Applicants submit, however, that neither the above portion of Kenner, nor any other portion of Kenner discloses or suggests transmitting a query to determine a time of a latest update of the stored performance information, as required by claim 1.

Kenner, at col. 14, lines 54-67, discloses:

The (Location Code) is the exact physical location of the video clip within the SRU. The (Revision Code) indicates whether this version of the video clip is the current version. The (Initial Copy Flag) is a field that is appended to each new video clip entry, so that the system knows that this version may only be updated, duplicated, or removed to more remote storage locations, but not deleted from the database entirely. The (Usage Count Rate) keeps track of how often a particular video clip is requested during a predetermined time interval, for example, a 24 hour period. This information is used to determine FDV status. The [Secondary Array ID] is used to point to a "related" database of secondary or related video or text information (not shown).

The above, cited portion of Kenner refers to an audio-visual index that identifies each video clip and specifies its location (see Kenner, col. 14, lines 43-44). The audio-visual index includes a location code specifying the location of the video clip in the local search and retrieve unit and a revision code, which indicates whether the video clip is the current version. However, Applicants wish to point out that there is nothing in Kenner that discloses or suggests that the revision code includes a time of a latest update of the stored performance information. The revision code may, instead be, a code such as, for example, "2.4", or some other indication, which provides some type of indication as to whether a version of a stored video clip is current. Therefore, the above-cited portion of Kenner is silent regarding any disclosure or suggestion of receiving the time of latest update of the stored performance information, as required by claim 1.

Kenner, at col. 19, lines 5-14, discloses:

The local SRU 18 also searches its own storage facilities to determine whether the requested video clips are stored locally and, if so, attaches a Revision Code to available video clips. This enhanced query is transmitted to the PIM 22. The PIM 22 (1) updates the video clip usage tables; (2) uses the Regional ID to efficiently determine from among many remote IMs 34, which remote IM 34 has any information relevant to the enhanced query; and (3) uses the Revision Code to determine whether the locally available video clip is up-to-date.

The above-cited portion of Kenner refers to an exemplary search that a user may perform (see Kenner, col. 18, line 64 through col. 20, line 2). The local search and retrieval unit (SRU)

determines whether the video clips are stored locally. If, the SRU determines that the video clips are stored locally, then a Revision Code is attached to the video clips. An enhanced query is transmitted to a primary index manager (PIM), which updates the video clip usage tables. The PIM uses the Revision Code to determine whether the locally available video clip is up-to-date. However, as mentioned above, there is nothing in Kenner to disclose or suggest that the revision code includes a time of a latest update of the stored performance information. Further, the above-cited portion of Kenner, as well as any other portion of Kenner is silent regarding any disclosure or suggestion of receiving the time of latest update of the stored performance information, as required by claim 1.

For at least the reasons discussed above, Applicants submit that amended claim 1 and claims 3, 5-7, 9, 10 and 27, which depend from claim 1, either directly or as a base claim, are patentable over the cited references and respectfully request that the rejection of claims 1, 3, 5-7, 9, 10 and 27 be withdrawn.

Amended independent claim 14 is directed to a pseudo-live performance generator that comprises a controller. The controller performs a number of actions including determining whether a time-stamp of the stored performance information matches the time of a latest update of the stored performance information.

On page 7 of the Office Action, the Examiner admitted that Frerichs and Kiraly fail to disclose or suggest determining whether a time-stamp of the stored performance information matches the time stamp of a latest update of the stored performance information, as required by claim 14. On page 8 of the Office Action, the Examiner relied on Kenner, col. 10, lines 19-31, col. 17, lines 4-10 and col. 25, lines 44-55 to disclose or suggest determining whether a time stamp of the stored performance information matches the time stamp of a latest update of the stored performance information. Applicants respectfully disagree.

Kenner, at col. 10, lines 19-31, discloses:

The local search and update logic serves primarily two functions. First, it enables local SRU 18 to search its storage media for requested video clips before the query is transmitted to the PIM 22. The update logic allows the PIM 22 to identify whether the locally available video clip is current. Thus, when the user's request is transmitted to the PIM 22, the request is modified to indicate (1) whether the video segment is stored locally, and (2) the current Revision Code associated with the video clip. If the PIM 22 locates a clip that supersedes the one currently stored on the local SRU 18, local SRU 18 is notified, the old data is deleted, and the new data is downloaded from the SRU 26 containing the updated video clip.

The above-cited portion of Kenner discloses that the Revision Code is used to determine whether a video clip is current. As mentioned previously, Kenner is completely silent regarding any disclosure or suggestion that the Revision Code includes a time stamp. Therefore, Applicants submit that Kenner fails to disclose or suggest determining whether a time-stamp of the stored performance information matches the time of a latest update of the stored performance information, as required by claim 14.

For at least the reasons discussed above, Applicants submit that claim 14 and claims 16, 18-20, 22, 23 and 28, which depend from claim 14, either directly or as a base claim, are patentable over the cited art. Therefore, Applicants respectfully request that the rejection of claims 14, 16, 18-20, 22, 23 and 28 be withdrawn.

Claims 25 and 26

On page 7 of the Office Action, the Examiner rejected claims 25 and 26 under 35 U.S.C.103(a) as allegedly being unpatentable over Frerichs and Kiraly in further view of Kenner. Applicants canceled claims 25 and 26 without prejudice or disclaimer, thereby making this rejection moot. Applicants, therefore, respectfully request that the rejection of claims 25 and 26 be withdrawn.

New Claim 29

New claim 29 is directed to a method for receiving performance information over a network for generating a pseudo-live performance. The method includes, among other things, generating the pseudo-live performance by mixing information corresponding to one or more portions of the needed performance information with other information, wherein the generating of the pseudo-live performance further includes synthesizing a voice having selected voice characteristics. Applicants submit that the cited references fail to disclose or suggest the above-mentioned features of new claim 29.

CONCLUSION

Having addressed all rejections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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By: /Richard C. Irving/

Correspondence Address:

AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

Richard C. Irving
Attorney for Applicants
Reg. No. 38,499
Phone: 410-286-9405
Fax No.: 410-381-2945